

HOUSE BILL 1874
By Bunch

AN ACT to amend Tennessee Code Annotated, Title 17, Chapter 4, Part 1, relative to the judicial department.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 17-4-114(b), is amended by adding the following language as a new, appropriately designated subdivision:

(3) Notwithstanding any provision of this section or any other law to the contrary, any voter participating in such election, who desires to cast a ballot for a judicial candidate whose name is not submitted to the electorate on the retention ballot, may request a write-in ballot to be furnished by the ballot judge; however, such request must be made before the voter enters the voting booth.

SECTION 2. Tennessee Code Annotated, Section 17-4-114(d), is amended by adding the following language as a new, appropriately designated subdivision:

(3) Notwithstanding any provision of this section or any other law to the contrary, if a majority of those voting in the retention election vote in favor of electing a write-in candidate, then the write-in candidate is duly elected to the office for the remainder of the term and shall be issued a certificate of election if such write-in candidate meets the qualifications for holding such office. If such write-in candidate does not meet the

qualifications for holding such office, then a vacancy exists as of September 1 after the regular August election, and the governor shall fill the vacancy from a group of three (3) nominees submitted by the judicial selection commission as provided in §17-4-112.

SECTION 3. Tennessee Code Annotated, Section 17-4-115(b), is amended by adding the following language as a new, appropriately designated subdivision:

(3) Notwithstanding any provision of this section or any other law to the contrary, any voter participating in such election, who desires to cast a ballot for a judicial candidate whose name is not submitted to the electorate on the retention ballot, may request a write-in ballot to be furnished by the ballot judge; however, such request must be made before the voter enters the voting booth.

SECTION 4. Tennessee Code Annotated, Section 17-4-115(d), is amended by adding the following language as a new, appropriately designated subdivision:

(3) Notwithstanding any provision of this section or any other law to the contrary, if a majority of those voting in the retention election vote in favor of electing a write-in candidate, then the write-in candidate is duly elected to the office for a full eight-year term and shall be issued a certificate of election if such write-in candidate meets the qualifications for holding such office. If such write-in candidate does not meet the qualifications for holding such office, then a vacancy exists as of September 1 after the regular August election, and the governor shall fill the vacancy from a group of three (3) nominees submitted by the judicial selection commission as provided in §17-4-112.

SECTION 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 6. This act shall take effect July 1, 2003, the public welfare requiring it.